

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

*In re: Nexium (Esomeprazole Magnesium)  
Antitrust Litigation*

This Document Relates to All Actions

MDL No. 2409

Civil Action No. 1:12-md-02409-WGY

**DECLARATION OF LAURENCE A. SCHOEN**

I, Laurence A. Schoen, declare as follows:

1. I am a Member with the law of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., counsel for Defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries, Ltd. (collectively “Teva”) in this action, and therefore have personal knowledge of the matters set forth herein. I submit this Declaration in support of Teva’s supplemental motion to exclude proposed expert testimony and for summary judgment.

2. Exhibit 1 is the Supplemental Expert Report of Thomas McGuire, dated January 31, 2014, as served by plaintiffs in this action.

3. Exhibit 2 consists of cited excerpts of the transcript of the Deposition of Thomas G. McGuire, Volume II, taken on February 11, 2014.

4. Exhibit 3 is the Settlement Agreement between AstraZeneca and Sandoz, Inc. dated May 2011, resolving the Nexium (esomeprazole magnesium) patent litigation, bates numbered AZ-NX-MDL-00000383.

5. Exhibit 4 is the Settlement Agreement between AstraZeneca and Lupin Pharmaceuticals, Inc. dated January 2012, resolving the Nexium (esomeprazole magnesium) patent litigation, bates numbered AZ-NX-MDL-00000417.

6. Exhibit 5 is the Settlement Agreement between AstraZeneca and Hetero USA, Inc., dated April 2012, resolving the Nexium (esomeprazole magnesium) patent litigation, bates numbered AZ-NX-MDL-00000456.

7. Exhibit 6 is the Settlement Agreement between AstraZeneca and Torrent Pharmaceuticals, Inc. dated May 2012, resolving the Nexium (esomeprazole magnesium) patent litigation, bates numbered AZ-NX-MDL-00000490.

8. Exhibit 7 consists of cited excerpts of the Expert Report of Richard G. Frank and Thomas G. McGuire, dated August 23, 2013, as served by plaintiffs in this action.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Laurence A. Schoen

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Laurence A. Schoen

Dated: February 12, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of February 2014, I filed and served the foregoing via the Court's CM/ECF system, which will serve notification of such filing by email to all counsel of record.

/s/ Laurence A. Schoen

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